

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SIPCO LLC; and ADVANCED SENSOR
TECHNOLOGY, INC.,

Plaintiffs,

vs.

THE TORO COMPANY, JLH LABS,
LLC, and JASON HILL,

Defendant.

Civil Action No. 08-CV-00505-TJS

**DEFENDANTS' MOTIONS FOR
PARTIAL SUMMARY JUDGMENT
AND FOR A PRELIMINARY
INJUNCTION**

Defendants, The Toro Company, JLH Labs, LLC and Jason Hill ("Defendants") move the Court for an Order granting partial summary judgment in Defendants' favor. Specifically, the motion requests a declaration that the Turf Guard Wireless Soil Monitoring System ("Turf Guard") does not infringe United States Patent No. 7,103,511 ("the '511 Patent"). The grounds for the motion, as set forth in greater detail in the accompanying Memorandum and accompanying Statement of Undisputed Facts, are that there are no material issues of fact in dispute and that Defendants are entitled to summary judgment as a matter of law.

Defendants also move the Court for an Order preliminarily enjoining Advanced Sensor Technology, Inc. ("AST") and all others who fall within the scope of Fed. R. Civ. P. 65(d)(2) from issuing any communication which states or implies that Turf Guard infringes the '511 patent or that any purchaser of Turf Guard will be subject to suit or liability for infringement of the '511 patent. The grounds for the motion, set forth in

greater detail in the accompanying Memorandum, are: (1) that, at least following a declaration of non-infringement, continued statements by AST would constitute false advertising under § 43(a) of the Lanham Act; (2) that absent an injunction Defendants would suffer irreparable harm; (3) that an injunction would not cause irreparable harm to AST; and (4) an injunction would be in the public interest.

Defendants' Motions are brought pursuant to Rules 56 and 65 of the Federal Rules of Civil Procedure and are based on the accompanying Defendants' Memorandum of Law in support of Their Motions for Partial Summary judgment and for a Preliminary Injunction, Defendants' Statement of Undisputed Facts, the accompanying declarations of Jason L. Hill, R. Laurence Buckley, Steve Snow, and David A. Prange and the exhibits authenticated by and attached thereto, the arguments of counsel, and all of the files and records of the proceedings herein.

Date: February 4, 2009

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